

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

HUSSEIN S. HUSSEIN

Plaintiff,

v.

ADELE ERSEK; et al.,

Defendants.

3:07-cv-00056-LRH-VPC

ORDER

Before the court is plaintiff Hussein S. Hussein's ("Hussein") motion for a certificate of appealability pursuant to Fed. R. Civ. P. 54(b). Doc. #71<sup>1</sup>.

Under Rule 54(b), "when an action presents more than one claim for relief . . . the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay." Discretion is left to the district court to determine the appropriate time when a case is ready for appeal. *Curtis-Wright Corp. v. General Electric Co.*, 446 U.S. 1, 8 (1980). The court's discretion is to be exercised in the interest of sound judicial administration. *Id.*

Here, the court finds that it would not be prudent to allow a piecemeal appeal of the various claims in this matter because there are remaining claims against some of the defendants which have

<sup>1</sup> Refers to the court's docket number.

1 not yet been addressed on the merits. Furthermore, the court recognizes the historic federal policy  
2 against piecemeal appeals. *See Curtis-Wright*, 446 U.S. at 8.

3 IT IS THEREFORE ORDERED that plaintiff's motion for a certificate of appealability  
4 pursuant to Rule 54(b) (Doc. #71) is DENIED.

5 IT IS SO ORDERED.

6 DATED this 26<sup>th</sup> day of October, 2009.



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9 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE